

# COUNCIL PROCEEDINGS

FEBRUARY 23, 1999

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JOURNAL 167

JANUARY 26, 1999

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 23, 1999  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Ferris, Kamen, Lambke, Rogers; present. \*Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Mayor Knight.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of February 9, 1999, were approved 6 to 0. (Gale absent)

## AWARDS AND PRESENTATIONS

RECOGNITION

The Wichita Fire Department was recognized by Sedgwick County for extraordinary assistance.

CERTIFICATES

Certificates for City/County Executive Development Institute were presented.

DONATION OF ARTWORK

Artwork Donated by Chief Otunba Zacheus Olowonubi Oloruntoba was presented.

PROCLAMATIONS

Mayor Knight presented the Proclamations previously approved.

Council Member Cole left the Bench.

## UNFINISHED BUSINESS

(Council Member Cole present)

(Item No. 1)

CONDEMNATION

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE. (District VI)  
(This Item was considered later in the meeting. Action is shown in Agenda order.)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-143.

This property was before the BCSA for review on December 7, 1998. No one was present to represent the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on February 2, 1999. It was deferred until February 23, 1999 at the request of the attorney who is representing the estate of the

recently deceased owner.

The estate is requesting time to complete the probate and sale of this property. The structure is secure and the premises condition is fair.

The 1994, 1995, 1996, 1997 and 1998 taxes are delinquent in the amount of \$8,667.02. There is a pending assessment for nuisance abatement in the amount of \$4,303.48.

The legal representatives of the estate have been notified of the date and time of this Hearing.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Leon Kiter Leon Kiter, Attorney representing the estate administration, said the plan is to pay off all debts and claims with the sale of the property. All interested buyers, up to this point, have expressed interest in razing the improvements on the property and constructing a family home.

Tentative schedule:  
 March 25, 1999 Responses to bid requests opened.  
 April 23/30, 1999 Closing

The property would then have to go to Probate Court for approval to sell.

Mr. Kiter requested 90 days to allow the plan to go forward.

Kurt Schroeder Superintendent of Central Inspection said the property is well secured and has a fence with padlocks. The housing case was not started until October of 1997. Staff recommends 60 days with the attorney, or new owner, returning to the City Council about April 23rd-30th.

Council Member Cole Council Member Cole said she would be open, at that time, to consider an additional 30 days.

Motion -- Cole moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

#### RESOLUTION NO. R-99-062

A Resolution finding that the structure located on Lot 89, except the north 30 feet, Van View Addition to Wichita, Sedgwick County, Kansas, commonly known as 5503 North Sullivan, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

(Council Member Cole absent)

(Item No. 2)  
 S/D 98-41

#### S/D 98-41 - PLAT OF COPPER GATE ADDITION LOCATED ON THE NORTHWEST AND SOUTHWEST CORNER OF 13TH STREET NORTH AND 135TH STREET WEST. (District V)

At the request of the Applicant, the City Council previously deferred action on this item. (Continued from February 9, 1999.)

Marvin Krout Director of Planning reviewed the Item.  
 Agenda Report No. 99-131.

MAPC Recommendation: Approve the Plat.  
 Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of Wichita's boundary. A zone change (SCZ-0761) from SF-20, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Community Unit Plan (DP- 231).

Petitions, 100%, have been submitted for sanitary sewer, water and paving improvements. A Certificate of Petitions has also been submitted. To provide for shared for shared access between the lots, a joint access easement was provided. A Community Unit Plan (CUP) Certificate has been provided identifying the approved CUP.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- Ferris moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat

-- carried            be approved as recommended and the Mayor be authorized to sign. Motion carried  
6 to 0. (Cole absent)

## RESOLUTION NO. R-99-063

Resolution of findings of advisability and Resolution authorizing construction of Water distribution system Number 448-89364 (at 13th Street, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-064

Resolution of findings of advisability and Resolution authorizing construction of Lateral 424, Southwest Interceptor Sewer (at 13th Street, west of 135th Street West) Project No. 468-82961 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-065

Resolution of findings of advisability and Resolution authorizing construction of Lateral 425, Southwest Interceptor Sewer, (at 13th Street, west of 135th Street West) Project No. 468-82962 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-066

Resolution of findings of advisability and Resolution authorizing improving of 13th Street North from the west line of the plat, east to the west line of 135th Street West, and on 135th Street West, from the south line of the plat, north to the north line of the plat, Project No. 472-83070 (at 13th Street, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

## RESOLUTION NO. R-99-067

Resolution of findings of advisability and Resolution authorizing construction of an accel/decel lane on the north side of 13th Street, from the west line of the plat, east to the west line of 135th Street West and on the west side of 135th Street West from the north line of 13th Street, north to the north line of the plat, Project No. 472-83071 (at 13th Street, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-068

Resolution of findings of advisability and Resolution authorizing construction of an accel/decel lane on the south side of 13th Street, from the west line of the plat, east to the west line of 135th Street West and on the west side of 135th Street west from the south line of 13th Street, south to the south line of the plat, Project No. 472-83072 (at 13th Street, west of 135th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Ferris moved that the Resolution be adopted. Motion carried 6 to 0. (Cole absent) Yeas: Ferris, Gale, Kamen, Lambke, Rogers, Knight.

Council Member Cole present.

(Item No. 3)

CU-500

**CU-500 - CONDITIONAL USE REQUEST TO ALLOW VEHICLE SALES ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET.** (District II)

At the request of the Applicant, the City Council previously deferred action on this item. (Continued from February 9, 1999.)

Agenda Report No. 99-133.

MAPC Recommendation: Approve the Conditional Use request  
 Staff Recommendation: Deny the Conditional Use request.  
 CPO Recommendation: Approve Conditional Use request

The applicants request a Conditional Use to permit automobile sales on a .7 acre site zoned **ALC**, Limited Commercial. The site is approximately the north one-half of Lot 1, Silver Springs East Addition. The plat has complete access control along both streets for the first 40 feet of the lot from the intersection of both Harry and Rock. Currently, there are two access points on Rock Road and one on Harry, adjacent to the application area. The plat also depicts a 35 foot building setback along the north and west property lines. A vacant gas station and muffler repair shop are currently located on the property today.

Land adjoining the application area is zoned **ALC**, Limited Commercial and developed with a variety of retail / convenience sales and service uses, such as a commercial retail center, gasoline and convenience store and fast food. There is also an office use located east of the site on **AGO**, General Office zoning. A drainage ditch is located just east of the application area.

Outdoor vehicle and equipment sales in the **ALC** district is subject to six conditions: 1. The site is to be contiguous to a major street; 2. If the site is contiguous to residential zoning districts, visual screening is required; 3. Storage and display areas must be paved; 4. Lighting standards must be met (cut-off luminaries shall be employed and lights are not to be mounted at a height exceeding one-half the distance from neighboring lots) and no string-type lights shall be permitted; 5. Compatibility noise standards must be met (no sound system capable of being heard on residentially zoned land within 500 feet of the site is permitted) and 6. No repair work is allowed except in an enclosed building, and no body or fender work is allowed at any time. The code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet of lot area used for vehicle sales, display or storage purposes and one space per each 10,000 square feet of lot area uses for sales, display or storage purposes.

At the time this report was being prepared, the applicant was out of town. Therefore, the applicant's agent was unable to provide staff with any details regarding the number of cars to be displayed, square footage of buildings or number of employees. That information will be available at the MAPC hearing. Conditional Uses must be accompanied by approved site plans. A survey of existing site features was submitted, but not anything that qualifies as a site plan.

At the December 14th CPO 2 Council hearing, the applicant's agent discussed this proposal. Two neighbors were present at this meeting and voiced the following concerns: traffic traveling up and down nearby side streets; **Ajunker** cars being offered for sale, which attract **Ajunker** people; and an increase in theft in the area. After discussion the CPO voted 7-1 to approve the request, subject to staff's recommendations.

The case was deferred from the December 17th MAPC hearing, at the applicant's request.

At the January 14th MAPC hearing, the applicant's agent spoke about the request. No one spoke in opposition to this request. After discussion the Planning Commission voted 5-4 to approve the request subject to the conditions found in the staff report, placed a three year time limit on the operation, and required the applicant to guarantee the closure of the northern most driveway to Rock Road. The four dissenting votes were concerned about the possibility of allowing additional car lots in this area and the outside storage of vehicles along Rock Road.

This Conditional Use request is being appealed by the Director of Planning.

Motion --

-- carried

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the application be returned to the MAPC (and CPO) for reconsideration. Motion carried 7 to 0.

#### **NEW BUSINESS**

(Item No. 4)  
**INFILL HOUSING**

#### **INFILL HOUSING INCENTIVES: FEE WAIVERS.**

Tom Smith

Grants In Aid Coordinator reviewed the Item.

Agenda Report No. 99-144.

On April 7, 1998, the City Council approved a five-year Neighborhood Revitalization Plan which focused various incentives to encourage revitalization and private investment in designated areas. Included in the Neighborhood Revitalization Plan, in addition to various tax incentives, was consideration of a reduction or waiver of building permit fees and utility tap/plant equity fees for new infill housing



construction. These incentives were proposed as a means to attract new development into areas targeted for revitalization, address issues of neighborhood deterioration and disrepair, and encourage inner City redevelopment that might not otherwise occur.

The approved Neighborhood Revitalization Plan included a 50% reduction in building permit and water tap/equity fees and requested staff present the financial implications of a waiver of 100% of building permit fees and water tap/plant equity fees.

Data has been collected by the Office of Central Inspection on the number and types of building permits issued in excess of \$10,000 (minimum required investment under the property tax rebate program) within the Neighborhood Revitalization Areas from July 1, 1998 through November 25, 1998 (see Table 1). A total of 20 residential building permits have been issued with a value of \$486,908, and a total of \$5,500 in permit fees collected during this time period for new 1-2 family units, garages, additions and remodels. OCI anticipates that in a normal year, approximately 50 building permits would be issued in a 12-month period for projects larger than \$10,000 located in the Neighborhood Revitalization Areas, generating approximately \$10,000 in fees.

It is difficult to predict the impact that the Neighborhood Revitalization Program will have on the number of new building permits issued. If the number of building permits doubled, there would be permits for 20 new 1-2 family units and 80 remodeled units (including garages and additions) issued per year, generating approximately \$20,000 in fees. It is estimated that water and sewer tap fees and plant equity fees would be approximately \$35,000 per year, assuming all of the new construction projects are located (on lots) that have never been connected to City water and sewer.

[Note: Demolition and new construction of 1-2 family units on existing sites generally have no water tap/plant equity fees since water/sewer service already exists.]

Table 2 provides projections of the impact of a 50% and 100 % waiver of building permit fees and water tap/plant equity fees for 100 one/two family and remodeled structures per year (level expected under the NRA program). The annual cost (forgone revenue) of a 50% waiver would be \$27,700 per year: \$55,400 per year for a 100% waiver.

The City Council has the option to not provide any waiver of fees or provide for full or partial fee waivers, as follows:

A waiver of the building permit or water tap/plant equity fees for multi-family, commercial or industrial property is not recommended. A waiver of the water tap/plant equity fees for existing residential property where no improvements have been made and the owner has failed to connect to City water are not recommended.

The cost of an average building permit for a 1-2 family unit is approximately \$500 dependent on construction costs. The costs of water connection fees are \$1,770 and includes the following: water tap fee \$330; sewer plant equity fees \$500; water plant equity fees \$940.

The City Council has the authority to establish waivers of building permit fees and utility tap/plant equity fees and condemnation where there is an inherent public benefit to the City.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Barbara Jones Mosley

Barbara Jones Mosley said there is economic disparity in the City and asked for information on how contract decisions are made. Ms. Mosley asked that the Council do whatever is required that might make the program even more successful.

Council Member Kamen

Council Member Kamen said that, with some restrictions, some small commercial ventures should be established within the neighborhoods.

Mayor Knight

Mayor Knight said it is worth a year as a pilot project to be reviewed at the end of a year.

Motion --

-- carried

Rogers moved that a full 100% waiver be provided for new residential development\ and infill housing within the targeted areas. Motion carried 7 to 0.

Council Member Cole left the Bench.

(Item No. 5)

**MINNEHA SEWER SYSTEM****MINNEHA TOWNSHIP SEWER SYSTEM ACQUISITION.** (District II)

Wade Pascal

Water and Sewer Department reviewed the Item.

Agenda Report No. 99-145.

The Minneha Sewer District, located in Minneha Township, provides service to Minneha Township residents through 11,143 feet of sanitary sewer pipe. Minneha Township is located in an area generally bounded by 29th Street North, Pawnee, Woodlawn and 159th Street. The Minneha Sewer District serves a smaller area within the township.

Sewage treatment is provided to the Minneha Sewer District by the City of Wichita Sewer Utility and the collection system is tied to the City's system. Sewer District customers are billed by the City Sewer Utility as outside City retail customers.

The Minneha Sewer District is an area which is rapidly being encompassed by urban expansion. Continuing development will result in portions of their sewer collection system being incorporated into future annexations. As adjacent areas are platted, new sewer collection systems should be incorporated into the existing collection system.

Consultation with Minneha representatives and City Staff has led to the consensus that the best solution is to have the City Sewer Utility acquire the District's assets by mutual agreement.

The District's assets consist of 11,143 feet of sanitary sewer pipe and 53 manholes. Without extensive evaluation of the condition of the collection system, which would be provided by the televising of the lines, it is not known what portion of the system would require rehabilitation and/or reconstruction.

In a worst case scenario, assuming that the entire collection system with the exception of 2,400 feet which was constructed with the realignment of Central east of Webb Road, expenditures required for insituforming and reconstruction of all manholes would be \$530,000. An estimated \$765,000 would be required to remove and reconstruct all pipes and manholes.

These estimated costs are significantly in excess of actual expected levels. In many instances, cleaning of all lines may be all that is required to bring the performance of the collection system up to acceptable levels. Costs incurred in relation to any required reconstruction or rehabilitation of the system should be weighed against the acquisition of the assets of the District and the ability to integrate the District's collection system with the collection systems of contiguous developments in the future.

Project expenditures will be paid from revenue bond proceeds and/or Water Utility cash reserves.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Kamen moved that the Purchase Agreement and Bill of Sale providing for the acquisition of the Minneha Township Sewer System be approved; and the Mayor be authorized to sign the necessary documents. Motion carried 6 to 0. (Cole absent)

-- carried

(Item No. 6)

**GIS MASTER PLAN****CONSIDERATION OF PROPOSED GIS MASTER PLAN.**

LorI Wilkerson

Data Center reviewed the item.

Agenda Report No. 99-146.

Geographic Information Systems (GIS) provide government with the technology to make informed decisions in a timely manner by providing the capability to graphically depict geo-based data. Manual methods of mapping have become too time consuming to produce and too expensive to meet the growing demands for up-to-date information. The MIS Strategic Plan, previously adopted by the City Council, recommended that the city develop a detailed GIS Master Plan as part of the overall goal to "procure and implement an effective geographical information system (GIS) to support the needs of multiple departments."

This GIS Master Plan is a working document that will provide a guide in developing a comprehensive Geographic Information System for the City of Wichita. As with any major system implementation, a successful GIS will require a well organized phased

approach to ensure data integrity, reliability and efficiency. By adopting this GIS Master Plan, the City of Wichita may realize opportunities and benefits to:

- / Enhance decision making opportunities
- / Improve quality and timeliness of data
- / Meet heightened expectations of citizens
- / Enhance emergency response
- / Eliminate or reduce duplication efforts
- / Reduce staff time
- / Avoid costs

The Data Center - GIS staff conducted research of other government agencies and completed several studies to define the GIS needs for the city. Based upon these needs, GIS applications were defined and critical factors were developed to assist in the prioritization process. The critical factors include number of users and frequency of use, expected benefit, public safety and community benefit, database complexity, implementation complexity, relative cost, and appropriate layering schemes. City management, MIS Team members, and the GIS Involvement Team have identified the top 25 applications identified below. Depending upon project and funding approval, the proposed time line for the top 25 GIS applications extends over the next five years. It should be noted that each one of these projects will involve participation from several departments therefore will require a strong commitment from each participating department to be successful.

#### Top GIS Applications

Address Location	E-911
Hydrant Location	Parcel Ownership and Address Search
Parcel Map and Update	Traffic Incident Analysis
Fire Incident Analysis	Crime Forecasting
Zoning	Public Safety Initiative Analysis
Incident Reporting	CIP Tracking and Map Display
Sign and Signal Management	Hazardous Chemical Emergency
Management	Resource and Manpower Allocation
Pavement Management System	Traffic Count Analysis
Street Closure Maintenance	Water Distribution Planning
Strategic and Tactical Planning	Bridge Management
Population & Employment Projections	Annexation Tracking with Population
Demographic Data Analysis	Real Estate Development

Each GIS application will follow an established implementation process which includes identifying costs and funding sources. Several funding sources are available to implement GIS applications such as federal grants, internal budgets or the GIS development project fund.

Council Member Cole present.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the GIS Master Plan be approved. Motion carried 7 to 0.

#### CITY COUNCIL AGENDA

(Item No. 7)

#### **APPOINTMENTS**

#### **BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):**

Commission on the Status of People with Disabilities (Lambke)  
 Convention & Tourism Committee (Ferris)  
 Human Services Board (2 appointments - Council at large)  
 Police & Fire Retirement Board of Trustees (Rogers)  
 Wichita Commission on the Status of Women (2 appointments - Lambke)  
 Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

Motion --

Rogers appointed Roy E. Moseley (Human Services) and moved that the appointment be approved. Motion carried 7 to 0.

-- carried

(Item No. 8)

#### **SG COUNTY SOLID WASTE**

#### **NOMINATION TO SEDGWICK COUNTY SOLID WASTE MANAGEMENT COMMITTEE.**

Council Member Cole

Council Member Cole said a resident of District VI had expressed interest in serving on the Solid Waste Management Committee and that she would meet with the resident and return to the Council in one to two weeks with a recommendation.

(Item No. 9)

**PROCLAMATIONS****PROCLAMATIONS:**

-- Professional Social Work Month.  
 -- Educators= Appreciation Week.  
 -- Mental Retardation Awareness Month.

Motion -- carried

Knight moved that the proclamations be authorized. Motion carried 7 to 0.

**CONSENT AGENDA**

Council Member Rogers left the Bench.

Knight moved that the Consent Agenda, except Items 20 c, 22, and 30 b, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Rogers absent)

(Item No. 10)

**BOARD OF BIDS****REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 16, 1999, AND FEBRUARY 22, 1999.**

Bids were opened February 12, 1999, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

1999 sanitary sewer rehabilitation program, Phase A. (468-82959/620245 /533376)  
 Traffic to be maintained during construction using flagpersons and barricades.  
 City Council approval date: 1/6/99. (Districts I and VI)

Insituform Technologies, Inc. - \$190,220.00

1999 contract maintenance nova chip of asphalt streets at various locations.  
 (132290/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts I, II, V and VI)

Cornejo & Sons Construction - \$356,925.00 (Engineers Estimate)

1999 contract maintenance thermal crack repair (full depth) of asphalt streets at various locations. (132266/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. Districts all.

Cornejo & Sons Construction - \$250,000.00 (Engineers Estimate)

1999 enhanced maintenance rubberized crack seal (RS-205) of asphalt streets at various locations. (706648-A/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. Districts II, III, V and VI)

Ferguson Paving - \$134,999.98 (Engineers Estimate)

1999 contract maintenance quickset slurry seal, curb & gutter repair; AND crack sealing in the Cherry Creek area south of Harry, east of Rock Road.  
 (131557/132258/110000/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (District III)

Ferguson Paving - \$344,189.62\* (Engineers Estimate)

\*Total Aggregate Bid

Lateral 162, Sanitary Sewer #22 to serve Woodlake Addition - south of Second Street, west of St. Paul. (468-82951/743786/480474) Does not affect existing traffic. City Council approval date: 1/26/99. District IV.

Mies Construction - \$8,370.00

Water distribution system to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89269/734632/470541) Does not affect existing traffic.

City Council approval date: 6/2/98. (District n/a)

Dondlinger & Sons - \$58,848.00



Water distribution system to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89357/734905/470575) Does not affect existing traffic. City Council approval date: 2/9/99. (District n/a)

Nowak Construction - \$32,233.91

Water distribution system to serve Smithmoor Eighth Addition - south of Harry, west of Webb. (448-89302/734900/470570) Does not affect existing traffic. City Council approval date: 8/4/98. (District II)

WBW Contractors - \$11,895.00

Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb. (472-82986/765547 /490614) Does not affect existing traffic. City Council approval date: 7/28/98. (District II)

Cornejo & Sons Construction - \$58,132.00

Crestwood/Rocky Glen from the east line of Rocky Creek Parkway to the north line of Lot 48, Block 6; Crestwood Court serving Lots 43 through 47, Block 6, from the south line of Crestwood to and including cul-de-sac; and Sidewalk on the north and west side of Crestwood/Rocky; Rocky Creek & Rocky Creek Second Additions - north of 13th Street, east of 127th East. (472-83033/765495 /490651) Does not affect existing traffic. City Council approval date: 12/15/98. (District II)

Cornejo & Sons Construction - \$145,204.30

Decel Lane on the west side of Meridian Avenue (major entrance and RCBC) YMCA South Addition - west of Meridian, north of I-235. (472-82951/765289 /490630) Traffic to be maintained during construction. City Council approval date: 6/23/98. (District IV)

Kansas Paving Company - \$96,939.80

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the Mayor be authorized to sign for the City. Motion carried 7 to 0.

Bids were opened Friday, February 19, 1999, pursuant to advertisements on:

1998-1999 Community Development Block Grant (CDBG) Local Investment Area (LIA) Infrastructure Improvements. (600700)

Barkley Construction - \$170,800.00 (Engineers estimate)

1999 Contract Maintenance Bridge Deck Resurfacing at 13th Street North & Canal and westbound Central & Canal. (132249)

Utility Contractors - \$250,100.00\* (Engineers estimate)  
\*Measured Quantity Alternate 1A & 2A

Water Distribution System to serve Springdale East Second Addition - (south of Kellogg, east of 143rd Street East. (448-89320/734903)

WBW Contractors - \$29,062.00

Lateral 19, Main 13, Southwest Interceptor Sewer to serve Lark Sixth Addition - (south of Kellogg, east of 119th Street West. (468-82795/743784)

WB Carter Construction - \$68,646.00

Lateral 2, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills Eighth Addition - south of Maple, east of 135th Street West. (468-82954/743788)

Nowak Construction - \$91,711.00

Lateral 3, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (468-82955/743789)

Nowak Construction - \$66,094.50

Lateral 404, Southwest Interceptor Sewer to serve Simmons Park Addition - north of 55th Street South, east of Meridian. (468-82864/743777)

Utility Contractors - \$150,980.00

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 6 to 0. (Rogers absent)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Repair of Pumps at Storm Water Pump Station No. 3 (133116)

Fairbanks Morse - \$98,424.00

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Lead Free Gasoline and Diesel Fuel (130849)

Parker Oil Co., In. - \$0.0695 (Item 1/Mark-Up per Gallon Lead-Free Gas)  
 \$0.0695 (Item 2/Mark-Up per Gallon Diesel #1 Fuel)  
 \$0.0695 (Item 3/Mark-Up per Gallon Diesel #2 Fuel)

Knight moved that the contracts be awarded as outlined above, same being the lowest and best bid. Motion carried 6 to 0. (Rogers absent)

(Item No. 11)

**LICENSE APPLICATIONS**

**APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENT/SERVICE.**

New Escort Service                      1999

Lori Johnson                      Entertainment 2000                      1328 East Douglas

Motion --

-- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0. (Rogers absent)

(Item No. 12)

**APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.**

Special Event                      March 27, 1999

Sisouwat Thonghanh                      Private Party                      3535 West Douglas

Motion --

-- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0. (Rogers absent)

(Item No. 13)

**PLANS AND SPECIFICATIONS PLANS AND SPECIFICATIONS:**

- a.                      1999 Enhanced Maintenance Rubberized Crack Sealing of Asphalt Streets. (706648 (D)/405218) Traffic to be maintained through construction. City Council approval date: 10/13/98. (Districts III and V)
- b.                      1999 Enhanced Maintenance Concrete Crack Sealing Phase 1 (706648(E)/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (District V)

Motion --

-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., March 5, 1999. Motion carried 6 to 0. (Rogers absent)

(Item No. 14)

**SUBDIVISION PLANS AND SPECIFICATIONS.**

- a.                      Water distribution system, Phase IV to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East. (448-89179/734906/470576) Does not affect existing traffic. City Council approval date: 7/22/97.
- b.                      Water distribution system, Phase V to serve Belle Terre South Addition - south of Kellogg, west of 159th Street East. (448-89180/734907/470577) Does not affect existing traffic. City Council approval date: 7/22/97.
- c.                      Water distribution system, Phase V to serve Rocky Creek Addition - north of 13th, east of 137th Street East. (448-89098/734899/470569) Does not affect existing traffic. City Council approval date: 12/17/96. (District II)
- d.                      Water distribution system to serve Lark Sixth Addition south of Kellogg, east of 119th Street West. (448-89229/734901/470571) Does not affect existing traffic. City Council approval date: 12/9/97. (District V)

- e. Water distribution system to serve Auburn Hills Eighth Addition - south of Maple, east of 135th Street West. (448-89360/734908/470578) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

- f. Water distribution system to serve Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (448-89361/734909/470579) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)
- g. Storm water Sewer No. 477 to serve West Kellogg Power Center Addition - north of Kellogg, west of Hoover. (468-82629/751263/485161) Does not affect existing traffic. City Council approval date: 9/24/96. (District V)
- h. 21st Street decel lane and fire hydrants; Golf Park West Addition - south of 21st, west of Ridge. (472-83061/765552/490663) Traffic to be maintained through construction. City Council approval date: 2/9/99. (District V)
- i. 21st Street left turn lane, Phase II Sterling Farms Addition - on 21st Street North, west of Tyler. (472-81892/762591/490362) Traffic to be maintained through construction. City Council approval date: 2/14/89 (District V)

Motion --

-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids by 10:00 a.m., March 5, 1999. Motion carried 6 to 0. (Rogers absent)

(Item No. 15)

**PRELIMINARY ESTIMATES**

**PRELIMINARY ESTIMATES:**

- a. 1999 contract maintenance quickset slurry seal, curb & gutter repair; AND crack sealing in the Cherry Creek area south of Harry, east of Rock Road. (131557/132258/110000/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (District III) - \$369,010.00
- b. 1999 contract maintenance thermal crack repair (full depth) of asphalt streets at various locations. (132266/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. \$270,750.00
- c. 1999 contract maintenance nova chip of asphalt streets at various locations. (132290/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts I, II, V and VI) - \$386,606.00
- d. 1999 enhanced maintenance rubberized crack seal (RS-205) of asphalt streets at various locations. (706648-A/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts II, III, V and VI) - \$150,000.00
- e. Water distribution system to serve Prairie Woods Second Addition - north of Pawnee, west of Maize. (448-89257/734902/470572) Does not affect existing traffic. City Council approval date: 1/5/99. (District V) - \$90,700.00
- f. Water distribution system to serve Smithmoor Eighth Addition - south of Harry, west of Webb. (448-89302/734900/470570) Does not affect existing traffic. City Council approval date: 8/4/98. (District II) - \$39,200.00
- g. Water distribution system to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89357/734905/470575) Does not affect existing traffic. City Council approval date: 2/9/99. \$59,000.00
- h. Water distribution system to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89269/734632/470541) Does not affect existing traffic. City Council approval date: 6/2/98. \$90,000.00
- i. Water Distribution System to serve Clark Estates - south of Central, east of 143rd Street East. (448-89281/734624/470540) Traffic to be maintained through construction. City Council approval date: 6/9/98. - \$67,000.00
- j. Elimination of dead-end mains - along 33rd Street South, west of Meridian. (448-89317/635581/544658) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 1/6/98. (District IV) - \$100,000.00

- k. Water Distribution System to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (448-89362/734904/470574) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)  
- \$23,000.00

- l. Lateral 397, Southwest Interceptor Sewer to serve Prairie Woods Second Addition - north of Pawnee, west of Maize. (468-82822/743785/480473) Does not affect existing traffic. City Council approval date: 1/5/99. (District V) - \$134,700.00
- m. Lateral 162, Sanitary Sewer #22 to serve Woodlake Addition - south of Second Street, west of St. Paul. (468-82951/743786/480474) Does not affect existing traffic. City Council approval date: 1/26/99. (District IV) - \$15,400.00
- n. Lateral 423, Southwest Interceptor Sewer to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (468-82958 743787/480475) Does not affect existing traffic. City Council approval date: 1/26/99. (District V) - \$83,950.00
- o. 1999 sanitary sewer rehabilitation program, Phase A. (468-82959/620245 /533376) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/99. (Districts I and VI) - \$255,773.16
- p. Hickory from the east line of the plat, west to the west line of Azure Circle; Birch from the south line of Hickory, south and west to the west line of Lot 8, Block C; Azure Circles serving Lots 15 - 22, Block C (from the south line of Hickory, south to and including the cul-de-sac), and Lots 12 - 29, Block D (from the north line of Hickory, north to and including the cul-de-sac), and; sidewalk along the north and south side of Hickory, and along the east and south side of Birch, and along the east side of Azure, Buckhead Third Addition - north of Central, west of 119th Street West. (472-82946/765123 /490-614). Does not affect existing traffic. City Council approval date: 6/16/98. (District V) - \$328,000.00
- q. Decel Lane on the west side of Meridian Avenue (major entrance and RCBC) YMCA South Addition - west of Meridian, north of I-235. (472-82951/765289 /490630) Traffic to be maintained during construction. City Council approval date: 6/23/98. (District IV) - \$125,350.00
- r. Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb. (472-82986/765547 /490614) Does not affect existing traffic. City Council approval date: 7/28/98. (District II) - \$118,000.00
- s. Crestwood/Rocky Glen from the east line of Rocky Creek Parkway to the north line of Lot 48, Block 6; Crestwood Court serving Lots 43 through 47, Block 6, from the south line of Crestwood to and including cul-de-sac; and sidewalk on the north and west side of Crestwood/Rocky; Rocky Creek & Rocky Creek Second Additions - north of 13th Street, east of 127th East. (472-83033/765495 /490651) Does not affect existing traffic. City Council approval date: 12/15/98. (District II) - \$314,600.00
- t. Northridge Court serving Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler. (472-83065/765551/490662) Does not affect existing traffic. City Council approval date: 1/26/99. (District V) - \$253,000.00

Motion --  
-- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Rogers absent)

(Item No. 16 a)

**SANITARY SEWER PETITION** PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE THE HAVENS ADDITION - SOUTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-147.

The Petition has been signed by three owners representing 100% of the improvement district.

This project will provide sanitary sewer service to a new retail development.

The estimated project cost is \$21,000. The funding source is special assessments.

Motion --  
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

## RESOLUTION NO. R-99-069

Resolution of findings of advisability and Resolution authorizing construction of Lateral 30, Main 1, Cowskin Interceptor Sewer (south of Central, west of 119th Street West) Project No. 468-82960 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 16 b)

**WATER PETITION****WATER DISTRIBUTION SYSTEM TO SERVE EASTSIDE COMMUNITY ADDITION - SOUTH OF 21ST STREET, EAST OF GREENWICH.** (District II)

Agenda Report No. 99-148.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide water service to a new church building.

The estimated project cost is \$86,400, with \$25,900 paid by the Water and Sewer Department, and \$60,500 assessed to the improvement district. The City share is for the cost of over sizing the pipe to serve future development beyond the improvement district. The funding source for the City share is the Water Utility.

Motion --  
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

## RESOLUTION NO. R-99-070

Resolution of findings of advisability and Resolution authorizing construction of Water distribution System Number 448-89325 (south of 21st, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 17)

**BOARDS MINUTES****MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Board of Park Commissioners, 2-8-99  
Board of Code Standards and Appeals, 1-4-99  
CPO Northeast Council 1, 2-8-99  
CPO East Council 2, 2-8-99  
CPO Southeast Council 3, 1-28-99  
CPO Southeast Council 3, 2-11-99  
CPO Southwest Council 4, 2-11-99  
CPO Southwest Council 4, 2-28-99  
CPO Northwest Council 5, 2-10-99  
Metropolitan Area Planning Commission, 12-3-98  
Police & Fire Retirement System of Wichita, 12-23-99  
Sister Cities Advisory Board, 1-8-99  
Wichita Employees Retirement System, 12-16-98  
Wichita Historic Preservation Board, 1-11-99  
Wichita/Sedgwick County Alcohol and Drug Abuse Advisory Board, 1-14-99  
Wichita-Sedgwick County Board of Health, 1-21-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Rogers absent)

(Item No. 18)

**STREET CLOSURES/USES****CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures considered.

(Item No. 19)

**CLAIMS ALLOWED****SETTLEMENT OF CLAIM.**

Agenda Report No. 99-149.

On March 26, 1997, claimant was involved in a motor vehicle accident with a city



employee; she claims physical injuries resulted.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an

opportunity to resolve the claim with a lump sum payment of \$12,500.00 as full settlement of all claims arising out of this collision. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the City's Vehicle Liability Fund

Motion --  
-- carried

Knight moved that payment of \$12,500 as a full settlement of all possible claims arising out of the accident be authorized. Motion carried 6 to 0. (Rogers absent)

(Item No. 20 a)

**GATE & FENCE REMOVAL**

**AGREEMENT FOR REMOVAL OF GATE AND FENCE AT 33RD STREET NORTH AND OHIO.**  
(District VI)

Agenda Report No. 99-150.

In February 1995, the Wichita Water and Sewer Department (WWSD) entered into an internal memorandum of understanding for the construction of an odor control facility on the East 314 feet of the South 170 feet of Lot 1. Block 3 in the Bridgeport Third Industrial Addition. Among other terms of the memorandum, WWSD agreed to construct a 24 foot wide private asphalt drive to provide access to the facility. The drive was to be located on the right-of-way platted for 33rd Street North east of Ohio. It was also agreed that WWSD would construct a gate across this drive at Ohio and that the gate would be removed at such time as public access is needed for 33rd Street. R.R.M., L.L.C. (RRM) has acquired land south of the facility on the south side of 33rd Street and desires access to the site, necessitating the removal of the gate pursuant to the memorandum of understanding.

RRM has acquired a parcel on the south side of 33rd Street and requires access from Ohio. As their usage will be heavier than that of WWSD, they have agreed to construct and maintain the access road to both their site and the WWSD facility. WWSD would relocate the gate to their facility from the intersection of 33rd Street and Ohio to the drive directly accessing their facility.

RRM has agreed that they will construct and maintain a hard surface roadway adequate for two-way traffic from Ohio Street to the facility and RRM's property at RRM's cost and expense until such time as other users occupy sites requiring access for 33rd Street east of Ohio. The only cost to the City at this time would be the cost to WWSD to move the facility gate from 33rd Street and Ohio to the access drive to their facility.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

(Item No. 20 b)

**RR CROSSING AGREEMENT**

**RAILROAD CROSSING AGREEMENT-CENTRAL KANSAS RAILWAY TRACTS AT BAYLEY STREET BETWEEN WATER AND MARKET.** (District I)

Agenda Report No. 99-151.

On January 26, 1999, the City approved projects to rehabilitate sanitary sewer and water lines at Bayley Street, between Water and Market. The pipelines cross under the Central Kansas Railway tracks.

An Agreement has been prepared which allows the City to construct and maintain the sanitary sewer and water lines within railroad right-of-way.

There is a \$3,500 administrative fee. The funding sources are the Sewer and Water Utility Funds.

Motion --  
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

(Item No. 20 c)

**CUSTODIAL SERVICES**

**CUSTODIAL SERVICES CONTRACT AMENDMENT.**

Agenda Report No. 99-152.

The Fleet and Buildings Division of the Public Works Department is responsible for the maintenance and operation of a number of City owned buildings, and the Finney State Office Building. At most of the buildings operated by Public Works, the City uses City employees to perform the custodial services. At the Finney State Office Building, the City contracts out to Wilson Building Maintenance, Inc. (Wilson).

Public Works has begun having trouble attracting replacement employees as custodians, and as a result, cleaning services provided by Public Works are not being done as well as expected. Public Works has negotiated a Contract Amendment

with Wilson which will extend essentially the same services provided by Wilson at the Finney State Office Building to other City-operated buildings on an as-needed, cost per square foot basis.

Currently it is estimated that Wilson can provide the cleaning services at 10% to 20% less than the City can provide the same services with City workers. Actual savings will vary depending on the pay level and number of employees leaving through attrition. No City workers will be laid off as a result of this Contract Amendment, but as City workers leave employment with the City, Public Works plans to shift more of the work to contract service providers. Wilson has the option to cancel the Contract with 30-days notice to the City. The Contract Amendment also allows the Contract period between the City and Wilson to be extended annually through November, 2001. The Contract Amendment is necessary because of public exigencies.

The custodial services are a budgeted expense. Budget Adjustments from the Personal Services Accounts to Contract Service Accounts will provide the funding. Wilson has agreed to provide the services at \$.64458 per square foot per year.

Council Member Cole

Council Member Cole said her concern that a health insurance program be made available to those employees had been answered.

Motion --  
-- carried

Cole moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

(Item No. 21)  
**BUDGET TRANSFER**

**BUDGET TRANSFER - GOLF FUND CAPITAL BUDGET.**

Agenda Report No. 99-153.

During the flooding of 1998, several City structures were damaged. One of the hardest-hit areas was Pawnee Prairie Golf Course where water backed up onto the course for several days. As a result, several of the satellite components of the sprinklers were irreparably damaged.

The satellite sprinklers are used to water the course using a remote-control system. Replacement of the sprinklers can be done using existing staff but there is no budget to purchase the equipment.

FEMA and the State Department of Emergency Management have determined that the sprinkler replacement is eligible for funding with flood-relief moneys; however, the money will not be available until after the watering season starts. It is recommended that the Golf Fund capital budget be increased by \$18,000, 85 percent of which will be returned to the fund upon receipt of disaster relief moneys.

Motion -- carried

Knight moved that the budget increase be approved. Motion carried 6 to 0. (Rogers absent)

(Item No. 22)  
**GILBERT AND MOSLEY TIF**

**GILBERT AND MOSLEY TIF FUND BALANCE.**

Council Member Kamen declared a conflict of interest and abstained from participation on this Item.

Agenda Report No. 99-154.

The Gilbert & Mosley Tax Increment Financing (TIF District #1) trust fund is one of many funds administered by the City that requires state certification. Each year, a budget for the TIF is submitted to and approved by Council, then certified by the state along with the City's General Fund and other funds. This certification imposes certain restrictions, including restrictions pertaining to maximum and minimum allowable end-of-year fund balances.

Gilbert & Mosley TIF revenues for 1998 came in well below projections, leading to an unfavorable year-end fund balance position. This is attributable to delays in the process of litigation to recover costs from potentially responsible parties (PRPs) in the district; these delays prevented the City from collecting any of the \$250,000 in revenues projected to be produced from such contributions in 1998.

A transfer of \$190,000 from the North Industrial TIF (TIF District #2) Fund to the Gilbert & Mosley TIF fund will alleviate the shortfall in the Gilbert & Mosley fund without placing the North Industrial Corridor fund in a similar unfavorable

position. This transfer would be accomplished through a 1998 year-end closing audit adjustment. An offsetting transfer will be made in 1999 to repay the North Industrial Corridor fund in full from the Gilbert & Mosley TIF fund.

Motion -- Knight moved that the year-end closing audit adjustment be approved by authorizing transfer of funds from the North Industrial Corridor Fund to the Gilbert Mosley Fund. Motion carried 5 to 0. Kamen abstained. (Rogers absent)

-- carried

(Item No. 23)

**IRB - KINDER CARE** **PURCHASE OPTION - KINDER CARE LEARNING CENTERS, INC.** (Districts II, III, and V)

Agenda Report No. 99-155.

On September 1, 1981, issuance of \$1,010,000 in Industrial Revenue Bonds for Kinder Care learning Center, Inc., was approved. The bonds were issued to acquire three building sites and finance the construction and equipping of a building on each site. Kinder Care has decided to exercise its purchase option on the IRB-financed property.

The purchase price is \$100 and other considerations as listed under the provision of the lease agreement including all payments necessary to redeem and retire all outstanding bonds. The price includes, without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the lease agreement and available for such redemption.

Motion -- Knight moved that the special warranty deed and termination of lease agreement be approved; the Resolution be adopted; and the Mayor be authorized to sign the necessary documents. Motion carried 6 to 0. (Rogers absent)

-- carried

(Item No. 24)

**BLOCK GRANT APPLICATION** **APPROVAL OF 1999 COMMUNITY SERVICES BLOCK GRANT APPLICATION.**

Agenda Report No. 99-156.

The City of Wichita is considered a community action agency under the Community Services Block Grant (CSBG) Act of 1984 and has received federal funds, through the Kansas Department of Commerce and Housing, since the beginning of that legislation.

The funds must be used to assist low-income residents of the area and to provide services that have an impact on the causes of poverty.

The City will receive \$819,584 in CSBG funds for the fiscal year beginning April 1, 1999. The application reflects the recent Human Services Department Transformation Plan. The activities include work experience for young offenders, employment and training assistance coordinated with the City's Job Training Partnership Act and Welfare to Work programs, various neighborhood and community projects, and payment of utility and maintenance costs at the Atwater, Colvin, Evergreen, and Stanley Neighborhood Centers to allow other service agencies to occupy the space at no cost.

The CSBG application for Fiscal Year 1999 is \$819, 584. No general operating funds from the City's budget are obligated by this application.

As required by regulations, the Human Services Board gave its approval of the application through its Executive Committee on February 9, 1999.

Motion -- Knight moved that the Grant Application and receipt of grant funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers absent)

-- carried

(Item No. 25)

**SCHOOLS GRANT** **PROFESSIONAL DEVELOPMENT SCHOOLS GRANT.**

Agenda Report No. 99-157.

The School District has requested funding in support of its proposed Professional Development Schools (PDS) program. The projected costs of this program is \$40,000.

The City council earlier indicated its support of special educational-related programs.

The PDS program will provide developing teachers the skills to excel when working with low-income children in inner city schools, and will allow USD 259 to recruit the best trained teachers. Approval of the grant application will allow USD 259 to hire two (2) half-time coordinators: one at John Marshall Middle School and the other at North High School. At each of these locations, prospective teachers from the Wichita State University are taught real world skills. Program performance will be measured via a satisfaction survey and through comparison of student scores

before and after the program.

The proposed grant will be funded from General Fund appropriated reserves. Use of these funds will require a budget adjustment for 1999. Should the School District be successful in its quest for additional funding legislation, these funds may not be required from the City.

Motion -- Knight moved that the proposed grant be approved and the necessary budget adjustments and expenditures be authorized, conditioned upon such funds not being made available from legislation proposed by the School District. Motion carried -- carried 6 to 0. (Rogers absent)

(Item No. 26)

**GOLF COURSE IRRIGATION**      **PAWNEE PRAIRIE GOLF COURSE IRRIGATION.** (District V)

Agenda Report No. 99-158.

Pawnee Prairie Golf Course utilizes a computerized irrigation management system. The system allows staff to specifically direct (via the computer) watering over the entire course. In late 1998 (at the end of the growing season), the system's computer was struck by lightning, which rendered it inoperable and unable to direct irrigation.

Effective, consistent course irrigation is necessary to ensure a suitable playing environment. Replacement of the computer at Pawnee Prairie will cost \$10,999. Irrigation system components are not interchangeable between manufacturers. Modern Distributing Company of Springfield, Missouri, is the only vendor with the ability to supply the Toro equipment necessary to operate this system.

The Golf Fund's 1999 Adopted budget contains sufficient capital outlay monies to fund the referenced equipment purchase.

The Purchasing Ordinance No. 35-856 Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Motion -- carried Knight moved that the purchase be approved. Motion carried 6 to 0. (Rogers absent)

(Item No. 27)

**DONATION OF ARTWORK.**      **DONATION OF NIGERIAN ARTWORK.**

Agenda Report No. 99-159.

Chief Otunba Zacheus Olowonubi Oloruntoba of Nigeria visited Wichita on February 3-7, 1999. Chief Oloruntoba is a well known artist whose art is inspired by the oral tradition of his people, the Yoruba. Chief Oloruntoba's work has been exhibited in Antwerp, Brussels, Frankfurt, Geneva, Paris, Nigeria and the United States. He has also been a guest lecturer at the University of Ibadan in Nigeria and at Harvard University.

Selections of Chief Oloruntoba's work are currently being displayed at the Wichita Center for the Arts. The exhibition, Several Points of View, will be shown until March 21, 1999. During his recent visit in Wichita, Chief Oloruntoba met with employees of the City of Wichita and toured the Maya Angelou Branch Library and the Patrol North Police Substation.

As a gift to the City, Chief Oloruntoba offered two of his weavings on the condition that one be displayed in the Maya Angolou Branch Library and one be displayed in the Health Department's new 21st Street Health Station. The weaving for the library depicts a colorful Nigerian village; the piece for the Health Station portrays a mother and child.

The weavings Chief Oloruntoba is offering the City were presented to the Public Art Advisory Board (PAAB) on February 11, 1999; The Board unanimously recommended acceptance of the artwork.

The gift weavings are valued at \$750 each.

Motion -- carried Mayor Knight moved that the donation be accepted. Motion carried 6 to 0. (Rogers absent)

(Item No. 28)

**PROPERTY ACQUISITION**      **DONATION OF PROPERTY AT 3501 SOUTH WASHINGTON.** (District III)



Agenda Report No. 99-160.

The YMCA has completed construction of their new south branch facility at 33rd Street South and Meridian. With the new facility operational, the property owned by the YMCA at Galena and Washington is surplus to their needs. The YMCA has

offered to donate this site to the City. The property is bounded by the Big Arkansas River, I-135 and Galena Street. Ingalls School is located at the northeast corner of the property. Site size is approximately 35 acres.

The property is largely undeveloped and in a natural condition. There are some abandoned buildings on the site which are proposed to be demolished.

Closing costs, if any, will be paid from the Property Management Special Revenue Fund.

Fee simple title will be acquired.

Motion -- carried

Knight moved that the donation be accepted. Motion carried 6 to 0. (Rogers absent)

(Item No. 29)

**STREET R-O-W DEDICATION** **STREET RIGHT-OF-WAY DEDICATION - 135TH STREET WEST BETWEEN KELLOGG AND MAPLE.**  
(District V)

Agenda Report No. 99-161.

The Auburn Hills Golf Course is being constructed along both sides of 135th Street West, between Kellogg and Maple and 135th Street West will be partially relocated to provide an A<sub>S</sub>® curve through the area.

A Street Dedication form has been prepared to grant the required right-of-way by the golf course developer and the City of Wichita.

There is no cost for the Street Dedication.

Motion --  
-- carried

Knight moved that the dedication be received and filed. Motion carried 6 to 0. (Rogers absent)

(Item No. 30 a)

**PROPERTY ACQUISITION** **ACQUISITION OF AN EASEMENT FOR THE MERIDIAN STREET IMPROVEMENT PROJECT.**  
(District VI)

Agenda Report No. 99-162.

The Meridian Street Paving Design Project, from I-235 to the North City Limits, approved by Council on January 28, 1997, requires the acquisition of a permanent drainage & utility easement to construct the necessary drainage and paving improvements on the proposed Meridian Street Paving Project from I-235 to the north City Limits. The easement is located at the southeast corner of 2435 West Timbercreek Circle and is owned by Neal B. & Kimberly J. Secrist and legally described as the South 20 ft. of Lot 66, Block 1, Harbor Isle Addition.

The subject tract is improved with a single family home. The easement contains approximately 250 square feet. A formal appraisal of the property was not performed due to the small size of the easement, a minimum value of \$200 for the site was established. The owner has agreed to this \$200 price and it is recommended by staff to approve the acquisition of the easements.

The budget of \$200 is for the acquisition of the easement. This is the only easement needed at this time for the project.

Motion --  
--carried

Knight moved that the budget be approved and the easement be accepted. Motion carried 6 to 0. (Rogers absent)

(Item No. 30 b)

**PROPERTY ACQUISITION** **505 SOUTH WEBB-EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 99-163.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. Shoney's Inc. has closed their store on the southwest corner of Kellogg and Webb Road (505 South Webb Road) and offered it for sale. The site contains approximately 41,470 square feet and is improved with a 5,365 square foot commercial facility. Prior to closing, it was operated as a Shoney's restaurant and most of the base systems are still in place.

The planned expansion of Kellogg will require the removal of the improvements and utilization of much of the site.

The property was appraised at \$805,000. Shoney's had the property listed for \$980,000. They had received considerable interest before the City announced that

the next East Kellogg project would be Kellogg between the Kansas Turnpike and K-96. Shoney's has agreed to sell the property for \$825,000. The property appears to be in good structural condition. Staff has received several inquiries about the possibility of leasing the property on an interim basis until it is needed for the highway project. If the property is acquired, these will be pursued.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$810,000 is requested. This includes \$805,000 for the acquisition, \$5,000 for closing costs, surveys and title insurance.

Steve Lackey

Public Works Director, responding to questions from Council Member Kamen, said Item, No. 32, on the Consent Agenda will authorize staff to hire consultants for acquisition and relocation services all along the corridor of Kellogg from City limit to City limit.

The plan is to hire a firm to do the acquisitions on west Kellogg and to hire another firm to do the acquisitions on east Kellogg, consistent with previous Council actions. The City will be securing right-of-way from approximately Edgemoor to K-96. The entire corridor will be included as opportunities are presented.

The City is continuing to talk with Eastborough, the Church, and businesses from Woodlawn to Rock Road and on to K-96.

Design of all the projects is proceeding from Edgemoor to K-96. City Council had indicated in previous votes that the projects east of the Turnpike would be done first. Design on the projects from Edgemoor east is progressing, as well as the design of Kellogg and Tyler, and Kellogg and Maize, consistent with previous Council action. The City is also looking at alternate designs at Kellogg and Woodlawn.

Projects can be expedited any time designs and right-of-way necessary to be constructed can be done ahead of time. If outside resources become available, a project can be implemented once the designs are complete.

One of the considerations discussed last Fall was the fact that some of this area is undeveloped and money could be saved in the fact that there would be no businesses that would be impacted and in some of the corridors it would reduce the amount of traffic control and, quite possibly, the amount of right-of-way that would have to be purchased in a developed state.

There is a possibility of doing Kellogg and Greenwich and Kellogg and Webb Road together as a single project and doing it all at one time rather than breaking them up into separate projects.

The decision has already been made to tie Kellogg Tyler and Kellogg and Maize Road together because of construct ability issues and traffic control. A better bid will probably be received by tying those two projects.

Council Member Kamen

Council Member Kamen said he did not want it to become a big campaign issue that the project stop at Woodlawn and so some of those problems can be solved first. There may be promises made that get people into corners they cannot get out of. I really have a problem. At think we are doing it the proper way.

At just want them to know what we are doing and they can make their own decisions.

Mayor Knight

Mayor Knight said, At did not make a big deal out of it because the Council is going to be changing. Before any project is initiated, it is going to have to come back here. I support buying right-of-way where ever we can buy right-of-way. I support the design of the total system. I will not be supporting starting at K-96 and Kellogg. It will be my position, if I can convince a sufficient number of my colleagues, that the next project will be Edgemoor to Woodlawn, and go in progression.

At to the degree that I can influence, Kellogg is going to progress from the finished product at Oliver on east. And, also, I think as soon as possible, initiate the Tyler Road and perhaps, even, Maize at the same time. I do not know exactly what our carrying capacity will be but I hope we are successful with the Transportation Plan.

Motion --

Kamen moved that the budget and the Contract be approved; and the Mayor be

-- carried authorized to sign the necessary documents. Motion carried 6 to 0. (Rogers absent)

(Item No. 31)

**PROPERTY DISPOSITION****DISPOSITION OF LAND IN WEST BANK URBAN RENEWAL AREA.** (District IV)

Agenda Report No. 99-164.

The City received an offer from Delmar Realty Investors, Inc., for the purchase of land in the West Bank Redevelopment District, east of the Wichita Ice Sports Center and west of the Arkansas River near McLean and Maple. The purpose of the land acquisition is the development of a limited service hotel and related developments.

The land is in an urban renewal area and a notice of intent to lease or sell must be filed at least thirty days prior to such lease or sale and the notice must be published for at least two weeks prior to the date of any lease or sale. After publication of the notice and the passage of thirty days from today, the City will be free to choose either Delmar Realty Investors, Inc., or any other proposer and either lease or sell the property. The City also has the option of rejecting all proposals and maintaining ownership of the land.

Motion --  
-- carried

Knight moved that the Notice of Intent be received and filed; and the necessary publications be authorized. Motion carried 6 to 0. (Rogers absent)

(Item No. 32)

**US-54 RECONSTRUCTION****REQUEST FOR PROPOSAL TO HIRE CONSULTANTS FOR ACQUISITION AND RELOCATION FOR US-54 RECONSTRUCTION PROJECT.** (Districts II and V)

Agenda Report No. 99-165.

The design of the Tyler Road/Maize Road Interchange project and the Webb Road/Greenwich Road Interchange project are being finalized. These two projects will require the acquisition of all or part of approximately 64 tracts. Federal and/or State funds are expected to be utilized in these projects, necessitating Federal relocation procedures. In addition, in October 1998, the City Council authorized opportunity purchases in the undeveloped portion of the Kellogg (US-54) corridor. This area is from Edgemoor to K-96 on the east side of Wichita and from Tyler Road to 151st Street West on the west side of Wichita.

Staff has reviewed the required acquisitions and relocations. The magnitude and timing of the projects require the utilization of outside consultants in addition to City staff. As there are no local firms qualified to handle acquisition and relocation under the Federal guidelines, the solicitation will be on a nationwide basis. It is anticipated that two consultants will be selected, one to handle the projects on the west side and one to handle projects on the east side. If applicable, the consultants may utilize the services of local real estate professionals. The City will reserve the right to negotiate on any parcel.

Ordinances have been approved for the consultants and opportunity purchases throughout the Kellogg corridor. The funding for Tyler/Maize and Webb/Greenwich program acquisitions will be included in the ordinances for these project.

Motion --  
-- carried

Knight moved that Staff be authorized to solicit acquisition and relocation assistance on a nationwide basis; and the Mayor be authorized to sign the necessary documents. Motion carried 6 to 0. (Rogers absent)

(Item No. 33)

**RESCINDING RESOLUTION****RESCINDING RESOLUTION.**

Agenda Report No. 99-166.

On March 4, 1997, the City Council adopted a resolution to construct a water line to serve Rocky Creek Addition. The Resolution contained an error in the allocation of special assessments.

A corrected resolution has been prepared. The allocation of special assessments conforms to the Petition submitted by the developer.

There is no impact on project cost.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)

A Resolution rescinding Resolution Number R-97-047 authorizing certain improvements to portions of Rocky Creek Addition, Project No. 448-89095, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent)  
Ayes: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 34)

**ORDINANCES****SECOND READING ORDINANCES:** (First read February 9, 1999)

- a. Implementation of the cultural arts plan.

## ORDINANCE NO. 44-141

An Ordinance of the City of Wichita creating the Art and Design Board, amending Code Sections 2.12.1120, 2.12.1122, 2.12.1124, 2.12.1126, and 2.12.1128; and repealing the originals of said sections and Section 2.12.1130, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

- b. Creation of the Department of Housing.

## ORDINANCE NO. 44-142

An Ordinance of the City of Wichita creating the Department of Housing; amending Code Sections 2.08.120 and 2.08.210; and repealing the originals thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

- c. SCZ-0703 - North of 21st Street North on the west side of Maize Road.  
(District V)

## ORDINANCE NO. 44-143

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.  
SCZ-0703

- d. Z-3303 - North of K-42 between Tyler Road (old alignment) and Hoover Road.  
(District IV)

## ORDINANCE NO. 44-144

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.  
Z-3303

- e. A 99-2 - Annexation of property-southwest corner of 21st Street North and Ridge Road. (District V)

## ORDINANCE NO. 44-145

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. A 99-2

- f. A 99-4 - Annexation of property generally located 2 mile south of 13th Street North on the east side of Webb Road. (District II)

## ORDINANCE NO. 44-146

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. A 99-4



- g. A 99-6 - Annexation of property-southeast corner of 37th Street North and Ridge Road. (District V)

ORDINANCE NO. 44-147

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Rogers absent)  
Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight. A 99-6

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 35 through 40 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that Planning Agenda Items 35 through 40 be approved as consensus  
-- carried Items. Motion carried 6 to 0. (Rogers absent)

(Item No. 35)

S/D 98-21

S/D 98-21 - PLAT OF DEER CREEK ESTATES SECOND ADDITION, LOCATED ON THE NORTH SIDE OF 55TH STREET SOUTH, ON THE EAST SIDE OF WEST STREET.

Agenda Report No. 99-167.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat.

This site is located in the County adjoining Wichita's City limits and the Applicant has requested annexation. This plat is zoned SF-20, Single-Family Residential.

Petitions, 100%, have been submitted for future sanitary sewer improvements. A Certificate of Petitions has also been submitted. The applicant has also provided a restrictive covenant restricting the location of the on-site sewage system. A No Protest Agreement for future City water has also been provided. The applicant has also submitted revised homeowners' association covenants.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, No Protest Agreement and restrictive covenants will be recorded with the Register of Deeds.

Motion -- Knight moved that the Documents and Plat be approved and the Mayor be authorized  
-- carried to sign; and the Petition be approved and the and the Resolution be adopted.  
Motion carried 6 to 0. (Rogers absent)

RESOLUTION NO. R-99-073

Resolution of findings of advisability and Resolution authorizing construction of Lateral 426, Southwest Interceptor Sewer (north of 55th South, east of Meridian) Project No. 468-82963 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 36)

S/D 98-69

S/D 98-69 - PLAT OF HAJOCA CO. ADDITION LOCATED ON THE SOUTHWEST CORNER OF MURDOCK AND HYDRAULIC. (District I)

Agenda Report No. 99-168.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat.

A zone change (Z-3286) from B, Multi-Family to LI, Limited Industrial was approved for this site subject to platting.

In order to guarantee the closure of driveways, the applicant has submitted a cash guarantee.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion -- Knight moved that the plat be approved and the Mayor be authorized to sign; the document (s) be received and filed; and the associated zone change Z-3286 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 6 to 0. (Rogers absent)

-- carried

#### ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3286

(Item No. 37)

S/D 98-92

**S/D 98-92 - PLAT OF SUNNYSIDE VILLAGE ADDITION LOCATED WEST OF HILLSIDE, SOUTH OF KELLOGG.** (District I)

Agenda Report No. 99-169.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat.

A zone change has been approved for this site from TF-3, Two-Family Residential District to PUD-5 District for mixed-use zoning.

Petitions, 100%, have been submitted for sanitary sewer, City water and paving improvements. A Certificate of Petition has also been submitted. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. A PUD Certificate has been provided identifying the approved PUD.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, and PUD Certificate will be recorded with the Register of Deeds.

Motion -- Knight moved that the Petition be approved and the Resolution be adopted; the plat be approved and the Mayor be authorized to sign; the document (s) be received and filed; and the associated PUD-5 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 6 to 0. (Rogers absent)

-- carried

#### RESOLUTION NO. R-99-074

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89278 (north of Orme, west of Lorraine) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

#### RESOLUTION NO. R-99-075

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, District 1, Sanitary Sewer No. 12 (north of Orme, west of Lorraine) Project No. 468-82850 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

## RESOLUTION NO. R-99-076

Resolution of findings of advisability and Resolution authorizing improving of Sunnyside from the east line of Chautauqua to the west line of Lorraine; Lorraine from the north line of Orme to the north line of Sunnyside, Project No. 472-83081 (north of Orme, west of Lorraine) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. PUD-5

(Item No. 38)

S/D 98-93

**S/D 98-93 - PLAT OF NORTHEAST MAINTENANCE SUBSTATION ADDITION LOCATED ON THE SOUTHWEST CORNER OF 33RD STREET NORTH AND HILLSIDE.** (District I)

Agenda Report No. 99-170.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat.

This plat is zoned LI, Limited Industrial.

A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

Knight moved that the Documents and Plat be approved and the Mayor be authorized to sign; and the Petition be approved and the and the Resolution be adopted.

-- carried

Motion carried 6 to 0. (Rogers absent)

## RESOLUTION NO. R-99-077

Resolution of findings of advisability and Resolution authorizing construction of Lateral 98, Sanitary Sewer No. 23 (west of Hillside, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 39)

S/D 98-94

**S/D 98-94 - Plat of Roadhouse Blues Addition Located on the Northwest Corner of 37th Street North and Broadway.** (District VI)

Agenda Report No. 99-171.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat.

A zone change (Z-3296) from SF-6, Single-Family Residential to LI, Limited Industrial was approved for Lot 2 of this plat subject to platting.

A petition, 100%, has been submitted for future City sanitary sewer improvements for Lot 2. A letter of credit has been provided to guarantee private sanitary sewer improvements to Lot 1. A Certificate of Petition has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

Knight moved that the Documents and Plat be approved and the Mayor be authorized to sign; and the Petition be approved and the and the Resolution be adopted.

-- carried            Motion carried 6 to 0. (Rogers absent)

## RESOLUTION NO. R-99-078

Resolution of findings of advisability and Resolution authorizing construction of Lateral 97, Sanitary Sewer No. 23 (west of Broadway, north of 37th Street North) Project No. 468-82966 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

(Item No. 40)

**S/D 98-105**

**S/D 98-105 - PLAT OF ARIA INTERNATIONAL ADDITION LOCATED ON THE NORTHWEST CORNER OF CENTRAL AND 127TH STREET EAST.**

Agenda Report No. 99-172.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site is located in the County adjoining Wichita's City Limits and the Applicant has requested annexation. This plat is zoned LC, Limited Commercial and will use the County's Four Mile Creek sanitary sewer system. City water is available to the site. An Outside-the-City Water Agreement has been provided. Petitions for sewer improvements will be handled by the County. A County Certificate of Petitions has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Documents and Plat be received and filed, and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

(Item No. 41)

**V-2143**

**PUBLIC HEARING - V-2143 - REQUEST TO VACATE 20 FOOT UTILITY EASEMENT AND EMERGENCY ACCESS EASEMENT LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF RIDGE ROAD.**

(District V)

Agenda Report No. 99-173.

MAPC Recommendation: Approve vacation of 20 foot utility easement and emergency access easement.

Staff Recommendation: Approve vacation of 20 foot utility easement and emergency access easement.

The applicant is requesting the vacation of the utility easement and emergency access easement to allow for the construction of a medical office building. The applicant has dedicated a separate emergency access easement along the property line by separate instrument, which was accepted by the City Council on February 9, 1999.

Public Works and the City Fire Department have reviewed and approved this request.

The MAPC reviewed and approved the request; no one spoke in opposition to the request.

Marvin Krout

Director of Planning reviewed the Item.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that the Public Hearing be closed; and the Vacation be approved and the Mayor be authorized to sign. Motion carried 6 to 0. (Rogers absent)

(ADDENDUM ITEM 42)

**S/D 98-28**

**S/D 98-28 PLAT OF KUHLMAN ADDITION LOCATED NORTH OF CENTRAL ON THE EASTSIDE OF WEBB ROAD.** (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-174.

MAPC Recommendation: Approve the Plat

Staff Recommendation: Approve the Plat

A zone change (SCZ-0757) from SF-20 to LI has been approved for a portion of the site, subject to platting. Subsequent to the zone change, the site has been annexed by the City. The plat is also subject to a protective overlay established by SCZ-0757, addressing permitted uses, landscaping, screening, architectural controls, and building setbacks.

A 100 percent petition has been submitted for sanitary sewer improvements, A Certificate of Petition, Avigational Easement, Temporary Sanitary Sewer Easement, Restrictive Covenant, and Protective Overlay Certificate were provided.

The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --

Kamen moved that the Petition be approved and the Resolution be adopted; the plat be approved and the Mayor be authorized to sign; the document (s) be received and filed; and the associated PUD-5 Ordinance be placed on first reading with publication of the Ordinance being withheld until such time as the plat has been recorded with the Register of Deeds. Motion carried 6 to 0. (Rogers absent)

-- carried

#### RESOLUTION NO. R-99-079

Resolution of findings of advisability and Resolution authorizing construction of Lateral 145, War Industries Sewer (east of Webb, north of Central) Project No. 468-82934 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Kamen moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

#### RESOLUTION NO. R-99-080

Resolution of findings of advisability and Resolution authorizing construction of Lateral 148, War Industries Sewer (east of Webb, north of Central) Project No. 468-82934 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Kamen moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

#### RESOLUTION NO. R-99-081

Resolution of findings of advisability and Resolution authorizing construction of Lateral 149, War Industries Sewer (east of Webb, north of Central) Project No. 468-82934 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Kamen moved that the Resolution be adopted. Motion carried 6 to 0. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke, Knight.

#### ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. SCZ-0757

RECESS

The City Council recessed into Workshop Session on Neighborhood Preservation/Conservation at 10:30 a.m. and reconvened in regular session at 11:00 a.m.

#### EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to preliminary discussions relating to the acquisition of real property for public purposes, confidential data relating to financial affairs or trade secrets of a business, and contract negotiations; and the regular meeting be resumed at 12:30 p.m. in the City Council Chambers. Motion carried 6 to 0. (Rogers absent)

-- carried



RECESS Council recessed at 11:00 a.m. and reconvened in regular session at 12:25 p.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 12:25 p.m.

Pat Burnett  
City Clerk